

BDM/TBM F. #2021R00164

U.S. Department of Justice

United States Attorney Eastern District of New York

271 Cadman Plaza East Brooklyn, New York 11201

July 26, 2024

By ECF

The Honorable Joseph A. Marutollo United States Magistrate Judge Eastern District of New York 255 Cadman Plaza East Brooklyn, New York 11201

Re: United States v. Shares of 21 East 61st Street Apartment Corp. et al.

Civil Docket No. 24-2147

Dear Judge Marutollo:

The parties respectfully write pursuant to the Court's Order entered on June 7, 2024, directing the parties to file a joint status report by July 31, 2024 and setting a deadline of September 2, 2024 for the filing of a responsive pleading in the above-captioned civil forfeiture proceeding.

As noted in the government's previous status update letters, the government filed a Verified Complaint In Rem on March 25, 2024 seeking forfeiture of two luxury properties in New York, New York. ECF No. 1. Thereafter, the government issued notice and commenced publication in accordance with the requirements of 18 U.S.C. § 985(c) and Rule G(4)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (the "Supplemental Rules"). See ECF Nos. 6-8. On June 3, 2024, a claim was filed on behalf of Lovitas, Inc., Baloas, Inc., and Hak Seon Kim. ECF No. 10.

On June 14, 2024, the government served special interrogatories on the claimants directed to their standing, which is a threshold issue in all forfeiture proceedings. Supp. R. G(6)(a)-(c) (providing that government need not respond to any motion to dismiss until after claimant has answered special interrogatories); see, e.g., United States v. \$8,440,190 in U.S. Currency, 719 F.3d 49, 57 (1st Cir. 2013) ("Standing is a threshold consideration in all cases, including civil forfeiture cases."). Pursuant to Rule G(6)(a) of the Supplemental Rules, responses to the special interrogatories are ordinarily due within 21 days. At claimants' request, the government consented to two extensions of the deadline by which to serve their responses, which are now due on August 7, 2024.

In light of the new deadline for the claimants to serve their responses to the special interrogatories, the parties respectfully request that the Court also extend the deadline for the claimants to file a responsive pleading by approximately one month, or until October 4, 2024. This will help to ensure that the government has sufficient time to review the claimants' responses to its special interrogatories and seek further discovery as to the threshold of the claimants' standing, if necessary, prior to engaging in motion practice, which will conserve litigation resources and is in the interest of judicial economy.

Respectfully submitted,

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By: /s/

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